

Entered - 4-16-98 - sb
CL 98L0261 - GWENDOLYN BURNS

CLAIM OF: ANGELO L. MOZEE
106 Rogers Street, SE
Atlanta, Georgia 30317

00-R-1710

For property damages alleged to have been sustained as a result of several sewer back ups on November 1, November 21, and November 24, 1998 at 106 Rogers Street, SE.

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to ANGELO L. MOZEE the sum of \$950.00 in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of several sewer back ups on November 1, November 21, and November 24, 1998 at 106 Rogers Street, SE as is more particularly set forth in the within claim; said sum taken from and charged to account 2J01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD
CITY ATTORNEY

BY: *Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

APPROVED

NOV 15 2000

WITHOUT SIGNATURE
BY OPERATION OF LAW

FAVORABLE REPORT

TO: *Public Safety*

DATE: *10/31/00*

BY: *Clara Kessler*

Dan Stetson

Walter

Theresa Kessler

Clara Kessler

Clara Kessler

CONSENT AGENDA

ADOPTED BY
NOV 06 2000
COUNCIL

CERTIFIED
NOV 6 2000
ATLANTA CITY COUNCIL PRESIDENT
Paula J. Parker

CERTIFIED
NOV 06 2000
MUNICIPAL CLERK
Rosalind Rubens Newell



**MUNICIPAL CLERK
ATLANTA, GEORGIA**

00-R-1710

A RESOLUTION

**BY PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE**

BE IT RESOLVED BY the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Angelo L. Mozee** in the sum of **\$950.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained as a result of **several sewer back ups on November 1, November 21, and November 24, 1998 at 106 Rogers Street, SE** as is more particularly set forth in the within claim; said sum taken from and charged to Account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

A true copy,

Rhonda Dauphin Johnson
Municipal Clerk, CMC

**ADOPTED by the Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403**

NOV 06, 2000

NOV 15, 2000

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 98L0261

Date: October 20, 2000

Claimant /Victim ANGELO L. MOZEE
BY: (Atty) (Ins. Co.) _____
Address: 106 Rogers Street, SE, Atlanta, Georgia 30317
Subrogation: _____ Claim for Property damage \$ 950.00 Bodily Injury \$ _____
Date of Notice: 4/3/98 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 11/1/98, 11/21/98, 11/24/98 Place: 106 Rogers Street, SE
Department PUBLIC WORKS Division Sewer Operations
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant sustained property damages to his residence from several sanitary sewer back ups. An investigation determined that the City was on notice of said sewer problem at this location but failed to correct it.


INVESTIGATION:

Statements: City employee _____ Claimant X Others _____ Written _____ Oral X
Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other X
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

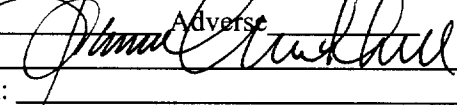
BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable X
City not involved _____ Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 950.00 Adverse _____ Account charged: 1A01 _____ 2J01 X 2H01 _____
Claims Manager:  Concur/date 10-20-00
Committee Action: _____ Council Action _____

COUNCIL of the CITY OF ATLANTA
CLERK OF COUNCIL
68 Mitchell Street, SW
Atlanta, Georgia 30335

3 1998

MUNICIPAL CLAIM FOR DAMAGES

DATE: 3-31-98

ENTERED - 4-16-98 - SB

9810261 - ANTHONY OATIS

Dear Sir:
This is to notify the City of Atlanta that I have suffered damages in the sum of \$ 808.00 property and/or \$ 0 bodily injury for which I contend the City is liable.

1. Date of accident: DEC. 97'? 2. Police called: NO
50 (yes) (no)
3. Location of accident: 106 ROGERS ST. S.E.
4. Name of your insurance company: _____
5. State how accident occurred: HEAVY RAIN CAUSED STREET PIPE to back up and flooded both of my Bathrooms Floors CAUSING the floor to CO/RSPE.
6. If a vehicular accident, complete the following and attach two (2) estimates of repair. ALL ESTIMATES AND VEHICLE DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE STATEMENTS WILL RESULT IN YOUR CLAIMS BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION! The registered owner must make the claim for vehicle damages.
7. Your vehicle: _____
(make) (year) (tag#) (driver's name)
8. City vehicle: _____
(make) (year) (tag#) (drivers name)
9. Witness: _____
(name) (phone) (address)
10. The knowledge of this claim in no way waives the Governmental Immunity of the City of Atlanta, as granted by State Law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

I HEREBY CERTIFY THE ABOVE INFORMATION IS TRUE AND CORRECT.

11. THIS CLAIM SHOULD BE
MAILED IMMEDIATELY TO
THE ADDRESS SHOWN ABOVE

Angelo L. MOZEE

(Claimant)

106 ROGERS ST. S.E.

(address)

Atlanta

GA

30317

(City)

(State)

(Zip)

404-377-1244

(home)

(phone)

404-526-5556

(work)

00-R-1710

11pm-74

GENERAL RELEASE AND INDEMNIFICATION

CLAIM NUMBER 98L0261

\$ 950.00

IN CONSIDERATION of the sum of NINE HUNDRED FIFTY DOLLARS AND NO/100 DOLLARS, to be paid by the CITY OF ATLANTA, the future receipt of which is hereby acknowledged, I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever discharge said City, its officers and employees, demands, actions, causes of action, suits, damages, loss and expenses, of whatsoever kind or nature for or on account of anything that has heretofore occurred, and particularly for or on account of Several property damage incidents - sewer back ups which occurred on or about the 1st, 21st, 24th day of November, 1997, at or near 106 Rogers Street, SE.

It is further understood and agreed that the payment of the above named sum is not to be considered as an admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents, servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers, agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this instrument.

WITNESS my hand and seal this Oct day of 19, 20 00.

Angelo L. Mozee (LS)
ANGELO L. MOZEE

____ (LS)

The above release was read and explained to, and signed by the said Angelo L. Mozee in our presence on the date above written.
(Angelo L. Mozee)

Dawn Rousey

WITNESSES

RCS# 2356
11/06/00
2:45 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1-17

ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Y McCarty
B Starnes
Y Bond
Y Winslow

Y Dorsey
Y Woolard
Y Morris
Y Muller

Y Moore
Y Martin
Y Maddox
Y Boazman

Y Thomas
Y Emmons
Y Alexander
NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
00-R-1422
00-R-1666

CONSENT

		11/06/00 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSE ON CONSENT AGENDA	ITEMS ADVERSE ON CONSENT AGENDA
1. 00-O-1577 2. 00-O-1586 3. 00-O-1615 4. 00-O-1661 5. 00-O-1663 6. 00-O-1670 7. 00-R-1578 8. 00-R-1685 9. 00-R-1780 10. 00-R-1659 11. 00-R-1688 12. 00-R-1689 13. 00-R-1704 14. 00-R-1722 15. 00-R-1723 16. 00-R-1708 17. 00-R-1774 18. 00-R-1709 19. 00-R-1710 20. 00-R-1711 21. 00-R-1712 22. 00-R-1713 23. 00-R-1714 24. 00-R-1715 25. 00-R-1717 26. 00-R-1718 27. 00-R-1719 28. 00-R-1720 29. 00-R-1721	30. 00-R-1716 31. 00-R-1724 32. 00-R-1725 33. 00-R-1727 34. 00-R-1728 35. 00-R-1729 36. 00-R-1730 37. 00-R-1731 38. 00-R-1732 39. 00-R-1733 40. 00-R-1734 41. 00-R-1735 42. 00-R-1736 43. 00-R-1737 44. 00-R-1738 45. 00-R-1739 46. 00-R-1740 47. 00-R-1741 48. 00-R-1742 49. 00-R-1743 50. 00-R-1744 51. 00-R-1745 52. 00-R-1746 53. 00-R-1747 54. 00-R-1748 55. 00-R-1749 56. 00-R-1750 57. 00-R-1751 58. 00-R-1752	59. 00-R-1753 60. 00-R-1754 61. 00-R-1755 62. 00-R-1756 63. 00-R-1757 64. 00-R-1758 65. 00-R-1759 66. 00-R-1760 67. 00-R-1761 68. 00-R-1762 69. 00-R-1763 70. 00-R-1764 71. 00-R-1765 72. 00-R-1766 73. 00-R-1767 74. 00-R-1768 75. 00-R-1769 76. 00-R-1770 77. 00-R-1771 78. 00-R-1772 79. 00-R-1773